

Exhibit 12

Briesacher, Matt

From: Owen, David
Sent: Thursday, March 05, 2015 7:37 AM
To: DOC.Executive Staff Members Section Heads
Cc: Brix, Garry; O'Connell, Mike
Subject: AP - Oklahoma -- Nitrogen gas executions approved by House

<http://www.durantdemocrat.com/news/localnews1/152160678/Nitrogen-gas-executions-approved-by-House>

Nitrogen gas executions approved by House

OKLAHOMA CITY (AP) — Oklahoma would become the first state to allow the execution of death row inmates using nitrogen gas under a bill overwhelmingly approved on Tuesday by the House of Representatives.

The House voted 85-10 for the bill by Oklahoma City Republican Rep. Mike Christian, who began studying alternative methods after a botched lethal injection in the spring that led the U.S. Supreme Court to consider the constitutionality of Oklahoma's current three-drug method.

Christian said numerous studies have been conducted on nitrogen hypoxia, which is similar to what pilots at high altitudes can encounter when oxygen supplies diminish. He described the method as humane, painless and easy to administer.

"I believe it's revolutionary," said Christian, a former Oklahoma Highway Patrol trooper and a staunch advocate of the death penalty. "I think it's the best thing we've come up with since the start of executions by the government."

Christian said prison officials in several other states expressed an interest in his proposal, but he declined to name them.

Rep. Kevin Matthews, who voted against the bill, said he wished the Legislature would spend more time trying to solve such problems as low wages, a lack of affordable health care and poor education outcomes.

"I just don't have the stomach for looking for new ways to kill people," said Matthews, a Tulsa Democrat.

The bill now heads to the Senate, where a similar measure passed a committee earlier this year with bipartisan support.

Under the bill, lethal injection would remain the state's first method of execution, but nitrogen gas would become the second alternative method and be used if injection were declared unconstitutional or if the drugs became unavailable. Under current law, electrocution is the second option, followed by firing squad. The bill would make electrocution the third method, followed by firing squad.

Christian said there would be no need to construct a gas chamber and that the nitrogen could be administered inside a tent or through a secure mask worn by the inmate. He said the problem death penalty states are having securing lethal drugs would be alleviated with the purchase of a nitrogen generator, which would give prison officials an everlasting supply of the ingredient necessary to carry out executions.

Unlike traditional gas chambers that used drugs such as cyanide that caused a buildup of carbon dioxide in the blood, Christian said breathing nitrogen would be painless because it leads to hypoxia, a gradual lack of oxygen in the blood.

Although some members questioned Christian about how the method would work, there was no debate against the bill.

No state has ever used nitrogen gas or inert gas hypoxia to execute an inmate, and there has not been any reported use of the method in other countries, according to Amnesty International's most recent report on the death penalty internationally. The 2013 report did note that execution data from China, the nation that executes the most people, is not readily available. Amnesty International opposes the death penalty in all cases.

"Without more research, I think this would be a very risky experiment," said Richard Dieter, executive director of the Washington, D.C.-based Death Penalty Information Center. "This is a human life that's being tested, and the standard should be much higher than ... one or two people saying, 'I think this will work.'"

Executions in Oklahoma are on hold while the U.S. Supreme Court reviews the state's lethal injection method. The legal challenge, which was sparked by a botched execution last spring, centers on whether the sedative midazolam properly renders an inmate unconscious before the second and third drugs are administered. Oklahoma officials concede midazolam is not the preferred drug for executions, but death penalty states have been forced to explore alternatives as manufacturers of more effective drugs refuse to sell them for use in lethal injections.

Owen, David

From: Owen, David
Sent: Tuesday, October 27, 2015 4:43 PM
To: Lucas Geisler
Subject: RE: Missouri's gas chamber

Lucas,

Missouri does not have a working gas chamber.

David Owen
Communications Director
Missouri Department of Corrections
573-522-1118
david.owen@doc.mo.gov

-----Original Message-----

From: Lucas Geisler [<mailto:lucas.geisler@kmiz.com>]
Sent: Tuesday, October 27, 2015 4:17 PM
To: Owen, David
Subject: Re: Missouri's gas chamber

Thank you. Just to clarify - does the Department of Corrections have a usable lethal gas chamber?

----- Original Message -----

From: "David Owen" <David.Owen@doc.mo.gov>
To: "Lucas Geisler" <lucas.geisler@kmiz.com>
Sent: Tuesday, October 27, 2015 4:14:05 PM
Subject: RE: Missouri's gas chamber

Lucas,

Lloyd Anderson on 1/26/1965

David Owen
Communications Director
Missouri Department of Corrections
573-522-1118
david.owen@doc.mo.gov

-----Original Message-----

From: Lucas Geisler [<mailto:lucas.geisler@kmiz.com>]
Sent: Tuesday, October 27, 2015 4:03 PM
To: Owen, David

Subject: Missouri's gas chamber

Mr. Owen,

Good afternoon! This is Lucas at ABC 17 News. Hope you're well. Today, Judge Greg Kays denied Ernest L. Johnson's restraining order against the D.O.C. before his execution date next week. The basis of the order calls for the state to use lethal gas instead of lethal injection. Judge Kays says since Missouri cannot make a gas chamber readily available, he cannot receive lethal gas. Do you know when Missouri last used lethal gas for an execution? You can email me here, or call me at 618.520.6107 (my cell). Thank you!

Regards,
Lucas Geisler
ABC 17 News
Columbia, Mo.

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BEGIN-ANTISPAM-VOTING-LINKS

Teach CanIt if this mail (ID 01Pyle7MI) is spam:

Spam: <http://spamaway.npgco.com/canit/b.php?i=01Pyle7MI&m=9c51c41bb17e&t=20151027&c=s>

Not spam: <http://spamaway.npgco.com/canit/b.php?i=01Pyle7MI&m=9c51c41bb17e&t=20151027&c=n>

Forget vote: <http://spamaway.npgco.com/canit/b.php?i=01Pyle7MI&m=9c51c41bb17e&t=20151027&c=f>

END-ANTISPAM-VOTING-LINKS

Owen, David

From: Rizzo, Tony <trizzo@kcstar.com>
Sent: Monday, November 16, 2015 4:04 PM
To: Owen, David
Subject: Re: Re:

thanks David

On Mon, Nov 16, 2015 at 4:02 PM, Owen, David <David.Owen@doc.mo.gov> wrote:

Tony,

Just so you know that I've responded to past media inquiries in regards to Missouri having a gas chamber. This was my response:

Missouri does not have a working gas chamber.

From: Rizzo, Tony [mailto:trizzo@kcstar.com]
Sent: Monday, November 16, 2015 2:23 PM
To: Owen, David
Subject: Re: Re:

thanks

On Mon, Nov 16, 2015 at 2:22 PM, Owen, David <David.Owen@doc.mo.gov> wrote:

The DOC does not operate the tours. The tours are operated by the Jefferson City Convention and Visitors Bureau.

From: Rizzo, Tony [mailto:trizzo@kcstar.com]
Sent: Monday, November 16, 2015 1:58 PM
To: Owen, David
Subject: Re:

Thanks David. I had seen that the building was still intact, I thought I read that the chamber itself had been dismantled.

I was doing a story about the appeals of Ernest Johnson and Russell Bucklew who have raised lethal gas as an alternative to lethal injection because of their medical conditions. The state has argued in response that the gas chamber method is no longer feasible or available.

Does DOC operate the tours there at Jeff City or is that some private group?

If so, perhaps I can contact them.

On Mon, Nov 16, 2015 at 1:52 PM, Owen, David <David.Owen@doc.mo.gov> wrote:

Tony,

I'm unsure what you are asking. I believe it is still a part of the MSP tours.

<http://www.missouripentours.com/>

The last inmate executed by lethal gas in Missouri was Lloyd Anderson on 1/26/1965. George "Tiny" Mercer was executed by lethal injection at MSP inside the gas chamber on 1/6/1989. After Mercer, executions moved to the Potosi Correctional Center until April 27, 2005 when Donald Jones became the first inmate executed at ERDCC in Bonne Terre.

David Owen

Communications Director

Missouri Department of Corrections

[573-522-1118](tel:573-522-1118)

david.owen@doc.mo.gov

From: Rizzo, Tony [<mailto:trizzo@kcstar.com>]

Sent: Monday, November 16, 2015 1:31 PM

To: Owen, David

Subject:

Good afternoon David,

Do you know what year the old gas chamber at Jeff City was dismantled?

thanks, Tony Rizzo